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SEP 05 2006

Technology Center 2100

In re Application of: Attwood, et al.)
Application No. 09/503,608) DECISION ON PETITION TO
Attorney Docket No. RSW00-0010) WITHDRAW HOLDING OF
Filed: 11 February 2000) ABANDONMENT UNDER 37 CFR
For: TECHNIQUE OF DEFENDING) §1.181
AGAINST NETWORK FLOODING)
ATTACKS USING A CONNECTIONLESS)
PROTOCOL)

This is a decision on the petition, filed 21 November 2005 requesting the Withdrawal of the Abandoned status of the above-identified application, under 37 CFR §1.181. Although a Notice of Abandonment was not mailed, the instant application was deemed abandoned for failure to respond to the Office Action of 7 April 2005, as the statutory six-month period for response had expired sans a submission from Applicant.

The petition is **GRANTED**.

According to the MPEP §711.03(c), the showing required to establish non-receipt of an Office action includes the following:

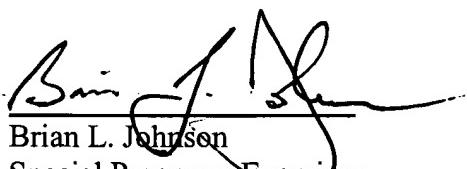
- 1) *a statement from practitioner that the Office action was not received,*
- 2) *a statement from practitioner that the file jacket and docket records were searched,*
- 3) *a copy of the docket record at the address of record, and*
- 4) *a reference to the docket record in the practitioner's statement.*

In support of the petition, applicants' representative provides a statement that the Office action was not received and that a search of the file jacket and document records has been performed. Petitioner also provides a copy of the docket record "where the non-received action would have been entered". Additionally, the petition furnishes a copy of the mail log at the address where the action would have been received.

Petitioner has established non-receipt of the Office action according to the requirements set forth supra. Accordingly, the petition is **GRANTED**.

It is noted from a review of the instant file record that Petitioner has now received a copy of the April 7, 2005 Office action, as evidenced by the response filed thereto on February 14, 2006. The instant application is current pending before the Examiner of record, awaiting an action on the merits in response to the amendment filed August 2, 2006. The delay in responding to the instant petition is regretted.

Any questions regarding this decision may be directed to the undersigned at 571-272-3595.



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